

Claim 23 (new) A process according to claim 18, wherein the transgenic plant line is a barley plant line.

REMARKS

The Official Action of May 6, 2003 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The claims have been amended to remove the bases for the rejections under 35 USC 112, second paragraph appearing at pages 2 and 3 of the Official Action. Specifically, the claims have been amended to make clear when the recitations pertain to an individual seed or and when they pertain to a collective plurality of seeds. Moreover, the allegedly indefinite recitation that an enzymes in a seed is "from a bacterial source" has been replaced with the recitation "microbial enzyme" which term appears in, and is supported by, the specification at, for example, Examples 5-12. All claims as amended are believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

The claims stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of US Patent 6,361,808. Applicants submit herewith a terminal disclaimer in compliance with the provisions of 37 CFR 1.321(c) to overcome this rejection.

In view of the above, all rejections and objections of record are believed to have been overcome and the application is believed to be in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

CLIFFORD J. MASS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890

MARKED UP COPY

Claim 9 (twice amended) In a process for preparing an alcoholic beverage comprising heating, steeping or mixing a plurality of raw materials to form a brew, the improvement comprising adding to the brew during any stage of its formation a non-malt component or a plurality of non-malt components collectively comprising a mixture of enzymes including at least an endo β -(1,4)-xylanase, an arabinofuranosidase, an alpha-amylase, an endo-protease and a β -(1,3-1,4)-glucanase, wherein the enzymes are present in respective amounts sufficient to provide the alcoholic beverage with a taste profile of a malt brew having a higher malt content than said alcoholic beverage, and wherein the component or plurality of components is present in an individual seed or in a plurality of seeds.

Claim 10 (twice amended) A process according to claim 9, wherein the individual seed is from a transgenic plant line, said individual seed containing at least one of said enzymes.

Claim 11 (twice amended) A process according to claim 9, wherein the plurality of the components collectively comprising said mixture of enzymes is added to the brew, each of said plurality of components being present in the [[seed, said seed comprising a]] plurality of [[individual]] seeds with each [[individual]] seed in the plurality of seeds containing a respective one of said enzymes [[such that each of the enzymes is included in the beverage from a seed component]].

Claim 12 (twice amended) A process according to claim 11, wherein each of the plurality of [[individual]] seeds is from a different transgenic plant line, the seed from each of the different transgenic plant lines [[providing seed]] containing a respective one of said enzymes.

Claim 13 (amended) A process according to claim 9, wherein the individual seed comprises a plurality of the enzymes.

Claim 14 (twice amended) A process according to claim 13, wherein the individual seed is from a transgenic plant line that produces seed containing said plurality of enzymes.

Claim 18 (amended) A process according to claim [[9]] 12, wherein at least one [[each of the mixture]] of the enzymes is a microbial enzyme [[from a bacterial source]].

Claim 19 (amended) A process according to claim 10, wherein the at least one enzyme is a microbial enzyme [[from a bacterial source]].

Claim 20 (amended) A process according to claim 14, wherein at least one [[each]] of the plurality of enzymes is a microbial enzyme [[from a bacterial source]].